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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,242	03/16/2004	Stephan C. Ewing	SEI 0301	5222
27225	7590	07/06/2006	EXAMINER	
JAMES F KIRK 16365 MARUFFA CIRCLE HUNTINGTON BEACH, CA 92649-2134			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/802,242

Applicant(s)

EWING, STEPHAN C.

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 17 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 1, 21 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-6, 17, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 21 are objected to because of the following informalities:
  - Claim 1, line 6, --surface-- should be inserted between "inner" and "and".
  - Claim 1, line 8, "a" (second occurrence) should be deleted.
  - Claim 1, line 9, "edge" should be replaced with --edges--.
  - Claim 21, line 6, --surface-- should be inserted between "inner" and "and",Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Choy et al. (US 6,233,788 B1).

A manually releasable clip holder (10) comprises a base-plate (11), an insert (12), a flap (16) and a spring (22). The base-plate is substantially flat (Figs. 1-3). The insert is coupled to the base-plate (Figs. 1-3). The insert has an insert cover positioned over the base plate to form an insert channel (15) over the base plate. The insert cover has a top edge (in the area of 13), a bottom edge, an inner surface and an outer surface

(Figs. 1-3). The insert channel having an insert channel entrance adjacent the insert cover top edge (Figs. 1-3). The flap is pivotally coupled to the base plate (Figs. 1-3). The flap has top edge and bottom (23) edges (Figs. 1-3). The spring is coupled to restore the flap to a predetermined restored position with the flap bottom edge positioned above the insert cover top edge with the flap bottom edge protruding beyond the insert cover outer surface by a predetermined insert cover outer surface to flap bottom edge clearance distance that is greater than zero (Figs. 1-3).

A manually releasable clip holder (10) comprises a base-plate (11), an insert (12) and a flap and spring combination (16). The base-plate is substantially flat (Figs. 1-3). The insert is coupled to the base-plate. The insert has an insert cover positioned over the base-plate to form an insert channel (defined by 15) over the base plate. The insert cover has a top edge (near 13), a bottom edge, an inner surface and an outer surface (Figs. 1-3). The insert channel has an insert channel entrance adjacent the insert cover top edge (Figs. 1-3). The flap and spring combination is formed of a single homogeneous piece of material and having a flap portion pivotally coupled to the base plate (Figs. 1-3). The flap portion has a bottom edge (23). The flap and spring combination has a spring portion (22) coupled to restore the flap portion to a predetermined restored position with the flap bottom edge positioned above the cover top edge with the flap bottom edge protruding beyond the insert cover outer surface by a predetermined insert cover outer surface to flap bottom edge clearance distance that is greater than zero (Figs. 1-3).

The clip holder further comprises means for limiting (22) the distance that the flap bottom edge travels beyond the insert cover outer surface to establish an insert cover outer surface to flap bottom edge clearance distance when the flap and spring combination is in the restored position (Figs. 1-3).

***Allowable Subject Matter***

4. Claims 2-6, 17, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 7-11 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 21 and 24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kochanski (US 1,519,380), Gordon (US 1,980,678), Morton (US 2,995,792), Lisowski (US 5,054,170), Otrusina (US 5,054,170 and US 5,201,858), Pirhonen (US 5,622,296) and Choy are cited to show state of the art with respect to manually releasable clip holders having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.


Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
June 26, 2006



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**